

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In The Matter Of:)	
)	
Richard Gregory Bange)	Case Number: 14-48292-399
AKA Rich G. Bange)	
)	
Debtor)	Chapter 13
)	
CitiFinancial Servicing LLC, or its)	
successors and assigns)	Hearing Date: June 14, 2017
)	Hearing Time: 10:00 AM
Movant,)	
)	
vs.)	<u>CONSENT ORDER AND</u>
)	<u>STIPULATION</u>
Richard Gregory Bange)	
AKA Rich G. Bange)	
)	<u>Mtn. 26</u>
And)	
)	
Katherine M. Bange)	
)	
Co-Debtor)	
)	
and)	
)	
Diana S. Daugherty)	
)	
Trustee)	
)	
Respondents)	
)	

CONSENT ORDER AND
STIPULATION IN SETTLEMENT OF MOTION FOR RELIEF

COME NOW, the parties and agree to the following in the settlement of the
Movant's Motion for Relief from Stay and Relief from Co-Debtor Stay:

1. A Motion for Relief from the Automatic Stay was filed by Movant on or about May 15, 2017. The property known as 2243 Hood Ave, Saint Louis, MO 63114, being the subject of said motion. No response was filed by the Co-Debtor.

2. The parties agree that the total post-petition delinquency including fees and costs is \$2,865.87 through June 8, 2017. A breakdown of the delinquency is as follows:

3 payments @ \$919.56	\$2,758.68
Suspense Balance	(\$823.81)
Other Fees	\$150.00
MFR Attorney Fees	\$600.00
MFR Attorney Costs	\$181.00
Total	\$2,865.87

Movant is not adequately protected if post-petition payments are not made by the Debtor.

3. Debtor shall tender \$919.56 on or before June 14, 2017 leaving a balance of \$1,946.31. Debtor will cure this post-petition delinquency by making the following additional payments no later than the dates indicated in this paragraph.

DUE DATE	AMOUNT DUE
July 15, 2017	\$324.39
August 15, 2017	\$324.39
September 15, 2017	\$324.39
October 15, 2017	\$324.39
November 15, 2017	\$324.39
December 15, 2017	\$324.39

4. Debtor shall make all monthly post-petition payments as they become due beginning July 1, 2017 to the address provided by Movant, or its successors and assigns in the monthly mortgage statement.

5. Movant's attorney fees and costs sought in the Motion, or any balance thereon, are included in the total post-petition arrearages stated above and are hereby granted and assessed against the Debtor in the total amount of \$781.00.

6. Movant, or its successors and assigns is authorized by the Debtor to mail to Debtor: (1) monthly mortgage statements; (2) account statements including an escrow analysis; and (3) notices regarding address or payment changes provided such a change is authorized by the Note and Deed of Trust. Consent is given by the Debtor to direct contact by mail for purposes of receiving this information and waives any claim for violation(s) of the automatic stay regarding the same.


7. The terms of this Stipulation and the agreement reached between the parties shall remain in effect so long as the automatic stay remains in effect as to this Movant, or its successors and assigns. In the event the automatic stay shall no longer remain in effect as to Movant, or its successors and assigns, this Stipulation shall become null and void. In the event the case is converted to another Chapter under Title 11 and pre-petition and post-petition arrearages remain unpaid, Movant, or its successors and assigns shall be granted relief from the automatic stay after providing the notice as set forth in the following paragraph.

It is Ordered that upon failure of the Debtor to comply with any of the conditions specified in this Stipulation and Order, the Movant, or its successors and assigns shall file a written Notice of Breach with the Court, and serve a copy upon the Trustee, counsel for the Debtor, and the Debtor. Such Notice shall include a statement of any alleged breach, including an itemization of all delinquent payments and the total amount necessary to cure the breach. Movant, or its successors and assigns shall be allowed attorney fees in the amount of \$50.00 for the preparation of any Notice of Breach under this paragraph and such fees shall be included in the total amount required to cure the delinquency. Movant, or its successors and assigns shall be allowed additional attorney

fees in the amount of \$100.00 for attendance at each hearing related to a Notice of Breach.

It Is Further Ordered that if the delinquency is not cured in full or an objection is not filed to the Notice of Breach within 14 (fourteen) calendar days of the date of the Notice, Movant, or its successors and assigns shall be entitled to immediate relief from the automatic stay of 11 U.S.C. §362(a) without further notice or hearing upon entry of an order for relief. For such purposes, Movant, or its successors and assigns shall be free to exercise all of its rights and remedies under the Promissory Note, Deed of Trust, or as may otherwise be provided for by law. An order entered under this paragraph shall not be stayed until the expiration of 14 days after the entry of the order. Motion for Relief from Co-Debtor Stay is hereby Granted by Default and the stay provided for by Section 1301 of Title 11, United States Code, is hereby terminated. All other relief requested by Movant is hereby denied without prejudice as settled.

DATED: June 12, 2017
St. Louis, Missouri
lat


Barry S. Schermer
United States Bankruptcy Judge

Order Prepared and Submitted by:
Millsap & Singer, LLC

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